

REMARKS

This is in response to the Office Action mailed on December 22, 2004, and the references cited therewith. Claims 1, 6, 9, 14, 17, 21-22, 23, 26, 28, 31, 33, 36, 40, 42, 45, 48, 51, 55, 58 are presently amended. No claims have been presently canceled or added. Claims 12-13, 18-20, and 30 were previously canceled. Therefore, claims 1-11, 14-17, 21-29, and 31-59 claims are pending in this application.

Examiner Interview

Applicants respectfully thank the Examiner Beth Van Doren for granting an interview with the Applicants on Wednesday, June 8, 2005 at 8:45AM California Time, 11:45AM Virginia time. Applicants and the Examiner agreed that the Applicants' disclosure is vastly different than the eOpinions reference at least because eOpinions has nothing to do with a community rating of an individual user at least partially based on other users "the individual user brings into the electronic community." (See specification, pg. 8, line 20). Applicants have amended the claims per the discussion with Examiner to clarify inherent limitations in the claims to overcome the Overstock reference as agreed during the interview and as described below.

§102 Rejection of the Claims

Claims 1-8, 11, 14-17, 21-29, 31-32, 40-45, 47 and 55-58 were rejected under 35 USC § 102(e) as being anticipated by Epinions.com. Applicants respectfully reserve the ability to swear behind the Epinions reference at a later time.

Applicants respectfully submit (e.g., as agreed during the Examiner Interview) that Epinions does not disclose at least the following limitations of the Applicants amended claims:

- 1) "deriving a community rating uniquely corresponding to a particular user by utilizing an aggregation of the one or more characteristic values associated with the particular user and the one or more characteristic values associated with each user of the plurality of users brought in to the online trading community by the particular user" (Claims 1, 14);
- 2) "associating a second characteristic value with a second user of the plurality of users, wherein the second user is brought in to the online trading community by the first user" (Claims 22, 28); and
- 3) "a

community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user, (2) one or more characteristic values associated with each user of the plurality of users brought in to the online trading community by the particular user, (3) one or more characteristic values associated with each user brought in to the online trading community by each brought in user of the particular user, and (4) a number of users brought in to the online community by the particular user.” (Claims 42 and 55).

Epinions merely discusses allowing consumers “to write about products [they] love or hate...[and they] get to rate the usefulness of anyone’s opinion” (pg. 2, emphasis provided). In Epinions, a user who stumbled on Epinions merely comments on the usefulness of other user’s reviews. As such no user is “brought in” (Claims 1, 14, 22, 28, 42, and 55). For example, in Epinions, a particular user is not brought into the Epinions community by other users but rather the particular user independently discover Epinions, and once they register, they write reviews and comment upon reviews of other users.

Applicants respectfully submit that dependent claims 2-8, 11, 15-17, 21, 23-27, 29, 31-32, 40-41, 43-45, and 56-58 are allowable at least because they depend on an allowable independent claim.

§103 Rejection of the Claims

Claims 33-39, 48-51 and 53-54 were rejected under 35 USC § 103(a) as being unpatentable over Epinions.com. Applicants respectfully submit that Epinions does not teach or suggest at least: “derive a community rating uniquely corresponding to a particular user by utilizing an aggregation of the one or more characteristic values associated with the particular user and the one or more characteristic values associated with each user of the plurality of users brought in to the online trading community by the particular user.” (Claims 33); 2) “a community rating uniquely corresponding to a particular user by utilizing one or more of the following: (1) one or more characteristic values associated with the particular user, (2) one or more characteristic values associated with each user of the plurality of users brought in to the online trading community by the particular user, (3) one or more characteristic values associated with each user brought in to the online trading community by each brought in user of the particular user, and (4) a number of users brought in to the online community by the particular

user.”(Claim 48).

Epinions merely discusses allowing consumers “to write about products [they] love or hate...[and they] get to rate the usefulness of anyone’s opinion” (pg. 2, emphasis provided). In Epinions, a user who stumbled on Epinions merely comments on the usefulness of other user’s reviews. Therefore, if anything, Epinions teaches away from a user “brought in” (Claims 33, 48).

Applicants respectfully submit that dependent claims 34-39, 49-51, and 53-54 are allowable at least because they depend on an allowable independent claim.

Claims 9-10, 46, 52 and 59 were rejected under 35 USC § 103(a) as being unpatentable over Epinions.com in view of Aho et al. (*Data Structures and Algorithms*). Applicants respectfully submit that dependent claims 34 Claims 9-10, 46, 52 and 59 are allowable at least because they depend on an allowable independent claim.

CONCLUSION

Applicants respectfully submit that the claims as amended overcome the reference and are now in condition for allowance, and notification to that effect is respectfully requested. The Examiner is invited to telephone Applicant's attorney at 612-371-2144 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

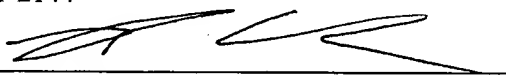
Respectfully submitted,

ROBERT J RATTERMAN ET AL.

By their Representatives,

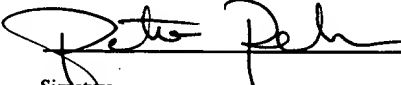
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Date 6/15/05

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